

REMARKS

Receipt of the Office Action mailed August 31, 2009 is acknowledged. Claims 1-34 and 44-48 stand canceled without prejudice or disclaimer. Claims 35-43 have been amended and stand withdrawn from consideration. New claims 49-80 have been added. Support for the new claims can be found throughout the original disclosure, for example, in the original claims. Entry of the amendment is respectfully requested because the amendment is believed to place the claims into condition for allowance and because the Examiner indicated that such amendment would be entered and considered.

The December 3, 2009 Interview

The undersigned would like to thank Examiner Wright for the courtesies extended during the telephone interview on December 3, 2009. The Examiner indicated during the interview that claims directed to the system of the closure, container and the apparatus to remove and install the closure would be entered and considered. Accordingly, such system claims have been added and the previously examined claims have been canceled.

Withdrawn Non-Elected Claims

Upon allowance of claims 49-80, rejoinder of withdrawn claims 35-43 which depend on and include all the limitations of system claim 49 are respectfully requested.

Claim Rejections – 35 USC § 112

Claims 1, 3-5, 7-11, 14, 46 and 48 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with written description requirement. While applicants submit this rejection is moot in view of the cancelation of the rejected claims, applicant submits there is adequate written description support for the claimed limitation “one-piece” in the original disclosure, particularly in the figures. The position of the Office Action is contrary to MPEP 2163 and controlling case law.

Claim Rejections - 35 USC §§ 102 and 103

In view of the cancelation of the rejected claims, applicant submits the sections 102 and 103 rejections have been obviated.

Based on the foregoing, applicant believes the application is now in condition for allowance. Favorable reconsideration and notice of allowance are solicited. If any questions arise which can be disposed through interview, the Examiner is encouraged to contact applicants' attorney at the telephone number listed below.

The Commissioner is hereby authorized to charge any additional fees, which may be required, or credit any overpayment to Account No. 10-0750/CDS5015/TJB.

Respectfully submitted,

/Todd J. Burns/

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